GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Subordinate Judiciary - Disciplinary proceedings against Sri M.Tirupathi Rao, Superintendent, Judicial Magistrate of First Class Court, Rampachodavaram, (compulsorily retired from service on 01.10.2009) - Charge held Proved – Imposing penalty of withholding of 20% (Twenty Percent) of pension permanently on him, under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 - Orders – Issued.

HOME (COURTS-B) DEPARTMENT

G.O.MS.No. 64 Dated: 19-04-2017

Read the following:

1) From the Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad D.O.Lr.No.342/2011-Vigilance Cell, dated 11.03.2011.
2) Govt. Memo No.6456/Courts.D/D1/2012, dated 17.12.2012.
3) From Sri M.Tirupathi Rao, Superintendent, Judicial Magistrate of First Class, Rampachodavaram, explanation dated 12.01.2013.
4) Government Letter No.6456/Courts.D1/2012, dated 25.11.2013.
5) From the Secretary, Andhra Pradesh Public Service Commission, Letter No.2283/RT/1/2013, dated 15-12-2014.
6) Govt. Letter No.6456/Courts.B2/2012, dated 27.03.2015.
7) Govt. Letter No.6456/Courts.B2/2012, dated 07.08.2015.
8) Govt. Letter No.6456/Courts.B2/2012, dated 23.07.2016.
9) From the Secretary, Andhra Pradesh Public Service Commission, Letter No.605/DC&C/1/2016, dated 06.08.2016 along with a copy of the Commission's Letter No.2283/RT/1/2013, dated 21.01.2014.

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ORDER :

Whereas, the Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad, in the letter 1st read above, has stated that regular departmental enquiry was conducted under the provisions of Andhra Pradesh Civil Services Rules, 1991 against Sri M. Tirupathi Rao, formerly Superintendent, Judicial Magistrate of First Class, Rampachodavaram, East Godavari District(later compulsorily retired from service on 01.10.2009) for the following Article of charge framed against him ;

"That you, M. thirupathi Rao, Superintendent of the Junior Civil Judge's Court, Prathipadu and as per the Court Fee Register of the court, amounts collected towards court fee was remitted in th Treasury upto 8.4.2005, but, as per the entries in the book the amounts to a tune of Rs.32,143/- collected on 2.4.2005, 8.4.2005, 12.4.2005, 5.4.2005, 19.4.2005, 21.4.2005 and 26.4.2005 were not remitted which is evident as no challan was pasted to show that the said amount was remitted into the Treasury, whereas after the entry dated:8.4.2007, the next entry was on 28.11.2005 with regard to collecting necessary court fee and process fee amount'.

Further, as per S.B. account No:8785 of Union Bank of India, Prathipadu, the Balance of outstanding amount was Rs.7,44,760/- as on 3.11.2007 as per the statements furnished by the Bank Authorities for the period from 1.10.2006 to 3.11.2007 and the pass book issued by the Bank Authority was not handed over by Sri.M.Tirupathi Rao, formerly Superintendent of the Court to your successor in the office and then the court requested the Bank Authorities to issue duplicate pass book for the S.B. Account No:87895 and when the court requested to furnish the amounts credited from 9.4.2005 to upto date, the Bank Authorities furnished the particulars from 1.10.2006 to 3.11.2007, which amounts to misconduct and thereby rendered yourself for punishment under A.P. Civil Services (CC&A) Rules, 1991.

2. And whereas, the Registrar (Vigilance), while forwarding the entire record/material, has further stated that during the enquiry the above charge is held "proved". Since the individual compulsorily retired from service on 01.10.2009, the Registrar (Vigilance), has requested the Government to pass final orders

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against Sri M. Tirupathi Rao, Superintendent (Retired), the charged employee, as the Government is competent to pass final orders in respect of retired employees under Rule 9 (2) (a) of the A.P. Revised Pension Rules, 1980.

3. And whereas, Government have examined the matter and provisionally decided to impose a penalty of withholding 2% (Two Percent) of Pension permanently on Sri M.Tirupathi Rao, Superintendent, Judicial Magistrate of First Class Court, Rampachodavaram, (compulsorily retired from service), under Rule 9(2)(a) of the Andhra Pradesh Revised Pension Rules, 1980, for the charge held proved against him.

4. And whereas, in the Government Memo 2nd read above, the charged officer was directed to Show Cause as to why the punishment mentioned in para (3) above shall not be imposed on him for the charge held proved against him.

5. And whereas, the charged officer has submitted his explanation, vide letter 3rd read above, denying the charge levelled against him on the one hand and obeying the proposed punishment on the other hand.

6. And whereas, Government after considering the explanation of the charged officer with reference to the records made available, have decided to seek the advice of the Andhra Pradesh Public Service Commission on the provisional decision of imposing the penalty and accordingly the Secretary, APPSC was requested to place the matter before the Commission for its advice/concurrence on the decision of the Government, vide letter 4th read above.

7. And whereas, the Secretary, A.P. Public Service Commission, in response to the correspondence made vide letters 6th to 8th read above, has communicated the opinoin of the APPSC, vide letters 10th read above, wherein the commission opined that the decision of Government from dismissal in show-cause notice(proceedings of the disciplinary authority-cum-District Judge, East Godavari, Rajahmundry, dt:06.08.2009) to 2% cut in pension is a drastic jump. The amount of Rs.7.4 Lakhs is not explained either. The commission, has therefore, advised to impose a punishment of 20% cut in pension of Sri M.Tirupathi Rao, permanently.

8. Now, therefore, Government in due consideration of the opinion of the APPSC and after thorough examination of the entire matter with reference to the records made available, hereby impose a penalty of "withholding of 20% (Twenty Percent) of Pension permanently" on the charged officer Sri M.Tirupathi Rao, Superintendent, Judicial Magistrate of First Class Court, Rampachodavaram, (compulsorily retired from service), under rule 9(2)(a) of the Andhra Pradesh Revised Pension Rules, 1980, for the charge held proved against him.

9. Copies of the letters 9th read above received from the Secretary, Andhra Pradesh Public Service Commission, are furnished herewith to Sri M.Tirupathi Rao, Superintendent, Judicial Magistrate of First Class Court, Rampachodavaram, (compulsorily retired from service), as required under Rule-23 of the Andhra Pradesh Civil Services (C.C.& A.) Rules, 1991.

10. The Registrar (Vigilance), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, is requested to take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.S.S.V. DURGA PRASAD
SECRETARY TO GOVERNMENT

To
The Registrar (Vigilance), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

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The District Judge, East Godavari District.
The individual through the Registrar (Vigilance), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.
Copy to:
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Pay and Accounts Office, Andhra Pradesh, Vijayawada.
The District Treasury Office, East Godavari District.
The Law (C)Department
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER